

REMEMBER



The Off-site Rule applies to any remedial or removal action under any CERCLA authority or using any Fund money; response actions under §311 of the Clean Water Act (except cleanup of petroleum products); and cleanups at Federal Facilities under §120 of SARA.



Ensure that a receiving facility's permit or interim status authorizes the receipt of the wastes anticipated to be transferred.



Contact the appropriate ROC immediately prior to sending wastes off-site to ensure the receiving facility is acceptable.



Wastes that are treated on-site are still subject to the rule when transferred off-site.



PRPs must have prior approval from an OSC before sending waste to a facility in an emergency situation when human health or the environment is threatened.

Regional Off-Site Contacts

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Region 2	Mark Pane	(732) 906-6872
Region 3	David Toth	(215) 814-3443
Region 4	Edmond Burks	(404) 562-8587
Region 5	William Damico	(312) 353-8297
Region 6	Ron Shannon	(214) 665-2282
Region 7	Deborah Finger	(913) 551-7164
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EPA Overview of the Off-site Rule for OSCs and RPMs

The Procedures for Planning and Implementing Off-site Response Actions (FR 58 September 22, 1993) describes procedures that should be observed when a response action under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) involves off site storage, treatment or disposal of CERCLA wastes.

The purpose of the Off-site Rule is to avoid having wastes from CERCLA authorized of funded response actions contribute to present or future environmental problems by directing these wastes to management units determined to be environmentally sound.

CERCLA §121(d)(3) requires that hazardous substances, pollutants or contaminants transferred off-site for treatment, storage or disposal during a CERCLA response action be transferred to a facility operating in compliance with §3004 and §3005 of RCRA and all other applicable Federal laws and all applicable State requirements.

Role Of OSCs and RPMs

OSCs and RPMs play a critical role in ensuring effective implementation of the Off-site Rule. They must determine if the facility's permit or interim status authorizes: 1) the receipt of the wastes that would be transported to the facility; and 2) the process contemplated for the waste. They are also responsible for contacting the Regional Off-site Contact (ROC) in the region where the receiving facility is located prior to wastes being shipped.

Acceptability Status

The ROC will provide the current acceptability status of the facility to receive CERCLA waste. Often, an off-site determination is specific to particular units within a facility, rather than to an entire facility. Because of the dynamic nature of compliance conditions at these units or facilities, it is important to recheck a facility's status prior to each shipment of waste.

A facility that has received a notice of unacceptability (issued by the ROC) has a 60-day period during which it may continue to receive CERCLA wastes while it addresses the violations cited. The ROC and OSC/RPM should maintain close coordination throughout the 60-day period. On the 60th day after issuance of the unacceptability notice, the OSC or RPM must stop transfer of wastes to the facility and/or stop the transfer of CERCLA waste

already received by the facility from its storage unit to an unacceptable unit if the facility or receiving unit has not regained its acceptability. Transfers within a facility are more difficult for a ROC to monitor and thus the Agency contemplates that restrictions on such transfers under the Off-site Rule will be included in contracts for off-site disposal or treatment of wastes. If the primary facility becomes unacceptable, the acceptability status of the backup or secondary receiving facility must be checked with the ROC.

The disposal contract between the Agency and the company chosen to manage the disposal of CERCLA wastes off-site should specify the primary facilities that will receive the wastes for ultimate treatment, storage or disposal, as well as alternate facilities.

Emergencies

Although compliance with the rule is mandatory for removal and remedial actions, OSCs may determine that an emergency exists and that the need for fast action prevents ensuring that all of the criteria in the rule are met. This exemption may be used if the OSC believes the threat to human health and the environment posed by the substances requires a removal action without observing the rule procedures. Temporary solutions, such as interim storage, should be considered to allow time to locate an acceptable facility. If this exemption is used, the OSC must provide a written explanation to the Regional Administrator within 60 days of taking the action.

Inspections

OSCs and RPMs do not have the authority to conduct inspections for purpose of compliance determinations under the rule. If a facility has not been inspected for off-site acceptability, contact the ROC to get that facility on the inspection schedule. In emergency situations, the OSC should make every effort to use the most environmentally sound facility.